

**EXAMINER'S AMENDMENT**

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with r. Beeson on 4/19/2010.

The application has been amended as follows:

Cancel claims 8, 26-28 and 33.

1. (Currently amended) A stretch comb hair retainer comprising  
two opposed wire combs, each of said combs having a spine defining the width  
of the comb and a row of looped wires attached to and projecting from said spine to  
form the teeth of the comb, and

a stretchable elastic mesh secured between the spines of said combs to produce  
tension between said combs when said combs are moved away from each other, said  
elastic mesh having a width comparable to the width of said combs and being formed by  
elastic strands extending between the spines of the combs so as to form stretchable  
openings which can individually be stretched open so that an amount of the wearer's  
hair can be pulled therethrough, and wherein the elastic strands are strung between the  
spines of the combs and are capable of being threadedly beaded as they are strung

~~from the spine of one comb to the spine of the other comb have a plurality of beads threaded thereon~~ to provide a decorative elastic mesh.

9. (Currently amended) The stretch comb hair retainer of claim [[8]] 1 wherein the ~~beaded elastic strands~~ plurality of beads threaded on said elastic strands include connector beads interconnecting said elastic strands to form a woven elastic mesh.

10. (Currently amended) The stretch comb hair retainer of claim 9 wherein the ~~beaded elastic strands~~ plurality of beads threaded on said elastic strands include intermediate beads on said elastic strands between said connector beads.

15. (Currently amended) A stretch comb hair retainer comprising two opposed wire combs, each of said combs having a spine defining the width of the comb and a row of looped wires forming comb teeth attached to and projecting from the spine,

elastic strands secured at spaced intervals along the spines of the combs, and a plurality of beads on said elastic strands including connector beads, said elastic strands being threaded through said connector beads to form a woven elastic mesh of interconnected strands between the spines of said opposed combs which produces tension between said combs when said combs are moved away from each other, said elastic mesh having stretchable openings which can individually be stretched open so that the wearer can pull an amount of hair therethrough if desired, and having a width comparable to the width of said combs.

Application/Control Number: 10/764,279

Art Unit: 3732

Page 4

21. (Currently amended) A stretch comb hair retainer comprising two opposed wire combs, each of said combs having a spine and wire loop comb teeth projecting from the spine, and each of said combs having a width of about three to four inches; and

an elastic mesh connected between the spines of said opposed combs, said elastic mesh having stretchable openings formed by elastic strands woven between the spines of said combs which can individually be stretched open so that the wearer can pull an amount of hair through one or more of said openings if desired, said elastic mesh further having an unstretched length as measured between the spines of said combs of between about three and one-half to four inches, and having a width which is about the same as said combs, said elastic strands being threadedly beaded as they are woven between the spines of the combs having a plurality of beads thereon.

22. (Currently amended) The stretch comb hair retainer of claim 21 wherein eight elastic stands are secured at spaced intervals along the spines of said opposed combs and are interconnected to form [[the]] an elastic mesh of interconnected elastic strands between said combs.

23. (Currently amended) A stretch comb hair retainer comprising two opposed wire combs, each of said combs having a spine and looped wires forming parallel comb teeth attached to and projecting from the spine,

a beaded an elastic mesh having comprised of cris-crossed elastic strands  
having a plurality of beads threaded thereon, said cris-crossed elastic strands providing  
stretchable openings which can individually be stretched open so that an amount of the  
wearer's hair can be pulled therethrough, of said stretchable openings and being  
attached to and extending between the spines of said opposed combs,  
said elastic mesh being formed by threading and simultaneously threadedly  
beading at least one elastic strand back and forth between the spines of said combs.

29. (Currently amended) A stretch comb hair retainer comprising  
two opposed wire combs, each of said combs having a metal spine and a row of  
looped wires attached to and projecting from said metal spine to form parallel projecting  
teeth of the comb; and

a plurality of elastic strands extending between and secured at spaced intervals  
along the spines of said wire combs forming, at least some of said elastic strands being  
cris-crossed to form a mesh of crossed strands having stretchable openings between  
the spines of said opposed wire combs which can individually be stretched open so that  
the wearer can pull a desired amount of the wearer's hair therethrough,

said cris-crossed elastic strands having a plurality of beads thereon.

32. (Currently amended) A stretch comb hair retainer comprising

two opposed wire combs, each of said combs having a metal spine defining the width of the comb and a row of looped wires attached to and projecting from said metal spine to form parallel projecting teeth of the comb; and

a plurality of elastic strands extending between and secured at spaced intervals along the spines of said wire combs, said elastic strands being strung in cris-cross fashion between the metal spines of said opposed combs so as to form a mesh of crossed strands having stretchable openings between said elastic strands through which an amount of the wearer's hair can be pulled,  
said cris-crossed elastic strands having a plurality of beads threaded thereon.

35. (Currently amended) A stretch comb hair retainer comprising  
two opposed wire combs, each of said combs having a spine defining the width of the comb and a row of looped metal wires attached to and projecting from said spine to form parallel projecting teeth of the comb, said looped metal wires being attached to said spine by twisting to form twisted bases at the spine; and

a plurality of elastic strands strung between the spines of said wire combs so that they secure to the spine of said combs at spaced intervals over the width of the comb, said strands having a plurality of beads thereon and being threadedly beaded as they are strung between the spines of said wire combs,

of said elastic strands being crossed over other strands to form a mesh of crossed strands having stretchable openings.

### **REASONS FOR ALLOWANCE**

The following is an examiner's statement of reasons for allowance: Upon further reconsideration of all the declarations filed 12/10/2009 and the newest declaration filed 1/22/2010 with respect to the licensing purpose rather than the commercializing purpose, also after reviewing the determination of the statutory 102 (b) on sale bar, the 35 U.S.C. 102 (b) rejection mailed 1/15/2010 has been withdrawn. It is noted that the rejection being dropped based on the determination that the attempt to license is not an offer for sale as described in the statutory 102 (b). Further, upon further reconsideration of Suzuki's affidavit filed 12/10/2009, Suzuki's statement under categories 7, 8, 9 and 11 of the affidavit has been found to be persuasive, therefore, the 35 U.S.C. 103 (a) rejection has been also withdrawn herewith.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robyn Doan whose telephone number is (571) 272-4711. The examiner can normally be reached on Mon-Fri 8:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Cris Rodriguez can be reached on (571) 272-4964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3732

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Robyn Doan/  
Primary Examiner, Art Unit 3732